

FILED

OAO91 (Rev. 12/03) Criminal Complaint

MAR 23 2007

UNITED STATES DISTRICT COURT

Northern

DISTRICT OF

California

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAUNITED STATES OF AMERICA
V.
CHARKON CHANSAEM

CRIMINAL COMPLAINT

Case Number: 3-07-70173 JCS

(Name and Address of Defendant)

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about March 23, 2007 in San Francisco County, in the Northern District of California defendant(s) did,

(Track Statutory Language of Offense)

knowingly transport or ship in interstate or foreign commerce by any means, a visual depiction that involves the use of a minor engaging in sexually explicit conduct and did knowingly possess 1 or more videotape or other matter which contained any visual depiction that had been shipped or transported in interstate commerce and that involves the use of a minor engaged in sexually explicit conduct

in violation of Title 18 United States Code, Section(s) 2252(a)(1) and 2252(a)(4)(B).

I further state that I am a(n) Senior Special Agent with DHS/ICE and that this complaint is based on the following facts:

Official Title

Please see attached affidavit of SA Brian Kawabata

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Signature of Complainant

Brian Kawabata

Printed Name of Complainant

Sworn to before me and signed in my presence,

Date 3/23/07

at

City San Francisco, California StateJOSEPH C. SPERO
UNITED STATES MAGISTRATE JUDGE

Name of Judge

Title of Judge

Signature of Judge

UNITED STATES DISTRICT COURT }
 }
NORTHERN DISTRICT OF CALIFORNIA }

ss. AFFIDAVIT

I, Brian Kawabata, Senior Special Agent, U.S. Immigration and Customs Enforcement (ICE), first being duly sworn, do depose and state:

I. AGENT BACKGROUND AND PURPOSE OF AFFIDAVIT

1. I am a Special Agent (SA) with U.S. Immigration and Customs Enforcement (ICE), assigned to the office of the Resident Agent in Charge, San Francisco International Airport (RAC/SFO), and have been employed by ICE since March of 2003. Prior to my employment with ICE, I was a Senior Special Agent with the United States Customs Service since March of 1999 and an Inspector with Customs since 1996. I hold a Bachelor's and Master's degree from the University of California at Riverside, and have completed numerous training programs related to investigations and police work at the Federal Law Enforcement Training Center in Brunswick, Georgia.

a. I am responsible for enforcing federal criminal statutes, including the sexual exploitation of children, pursuant to Title 18, United States Code, Section 2252. I have received training and actual experience relating to Federal Criminal Procedure, Federal Statutes and U.S. Immigration and Customs Regulations. This includes training in investigative techniques and violations of Title 18, United States Code, including specifically 18 U.S.C. sections 2252(a)(1) and 2252(a)(4)(b) involving the transportation and possession of child pornography. As a Special Agent with ICE, I have conducted and assisted with numerous child pornography investigations and seized digital media devices containing child pornography. I have reviewed images containing child pornography in a variety of formats (such as digital still images and video images) and media (such as floppy diskettes, videotapes, magazines, and printed images).

b. In the course of the investigation described herein, I have consulted with other federal agents, including ICE agents at the San Francisco Airport who have written affidavits for or participated in the application for and execution of hundreds of search and arrest warrants over the course of their careers.

c. As a Special Agent of ICE, I am authorized to investigate violations of laws of the United States, and I am a law enforcement officer with authority to execute arrest and search warrants under the authority of the United States.

2. This affidavit is made in support of a complaint against Charkon CHANSAEM, date of birth July 24, 1974, for knowingly transporting or shipping in interstate or foreign commerce by any means including by computer or mails, any visual depiction involving the use of a minor engaging in sexually explicit conduct, such visual depiction is of such conduct, in violation of Title 18, U.S.C., Section 2252(a)(1). This affidavit is also made in support of a complaint against Charkon CHANSAEM, for knowingly and intentionally possessing one or more books, magazines, periodicals, films, video tapes, or other matter which contains one or more visual depictions that have been mailed, or have been shipped or transported in interstate or foreign commerce, or which were produced using materials which had been mailed or so shipped or transported, by any means including by computer, where the producing of such visual depictions involved the use of a minor engaging in sexually explicit conduct and such visual depictions are of such conduct, in violation of Title 18, U.S.C., Section 2252(a)(4)(B).

3. The facts set forth in this affidavit are known to me as a result of my participation in this investigation, from reports made to me by other law enforcement officers, and from records, documents, and other evidence obtained during this investigation. Since this affidavit is being submitted for the limited purpose of securing an arrest warrant Charkon CHANSAEM, I have not included each and every fact known to me concerning this investigation. I have only set forth the facts I believe are necessary to establish probable cause that a violation of federal law has occurred.

II. FACTS ESTABLISHING PROBABLE CAUSE

4. On March 23, 2007, at approximately 0915 hours, Charkon CHANSAEM arrived at San Francisco International Airport (SFO) from Narita, Japan aboard United Airlines flight 838. CHANSAEM's travel itinerary originated from Thailand. CHANSAEM entered into the United States as a C-1/D visa for Seamen working on cruise ships. CHANSAEM cleared

Immigration and Customs and exited the Federal Inspection Area without his luggage. U.S. Customs and Border Protection (CBP) Agriculture Specialist (AS) Ron Lim received unclaimed luggage from United Airlines for flight 838. AS Lim opened the luggage for a border inspection and found numerous illegal food items along with DVD's and CD-ROM's with suspected child pornography. AS Lim referred the suspected child pornography to CBP Officers Jason Ko and Melissa Saurwein for further inspection. At approximately 1020 hours, CBPO Ko received a binding declaration from CHANSAEM in which CHANSAEM acknowledged that the luggage in question belonged to him. ICE Senior Special Agent Brian Kawabata responded at approximately 1055 hours.

5. SA Kawabata read CHANSAEM his Miranda Warnings at 1113 hours. CHANSAEM speaks English fluently. CHANSAEM agreed to waive his rights and signed a waiver of his rights. The waiver was witnessed by SSA Kawabata and CBPO Saurwein.

6. SA Kawabata viewed with CHANSAEM the covers of several videos found in CHANSAEM's luggage, including those described below:

The rear cover of Hustler Video 006, title "Baby Sexy," depicted three naked girls who appeared to SA KAWABATA to be approximately seven to eleven years of age posed in a sexually explicit manners. CHANSAEM stated that he believed the girl was approximately six or seven years old.

The cover of Hustler Video 004, title "Baby Sexy," depicted another naked girl with a wrap around her waist who appeared to SA KAWABATA to be approximately seven years of age posed in a sexually explicit manner. CHANSAEM stated that he believed the girl was approximately six or seven years old.

The cover of Hustler Video 005, title "Baby Sexy," depicted another partially naked girl who appeared to SA KAWABATA to be approximately seven years of age posed in a sexually explicit manner. CHANSAEM stated that he believed the girl was approximately ten years old. After SA Kawabata interviewed CHANSAEM, this video, Hustler Video 005, was viewed

by ICE SA Michael Appio. SA Appio stated that this video portrayed a Caucasian female who appeared to be approximately three to five years old performing oral sex on a Caucasian adult male. The adult male was holding the back of the child's head while he ejaculated into the child's mouth.

7. SA Kawabata viewed numerous other child pornography videos and still images transported and possessed by CHANSAEM, including a .jpeg file image of a naked girl who appeared to be approximately 12 years of age posed in a sexually explicit manner.

8. In the course of his interview, CHANSAEM stated to SA Kawabata that he knew the videos and images found in his luggage were child pornography and that they were illegal in the United States.

9. SA Kawabata received a sworn affidavit from CHANSAEM that stated "I got porn child but I swear never have sex with another children."

III. CONCLUSION

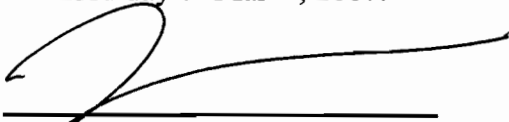
10. Based on the above facts and information, I submit there is probable cause to believe that on March 23, 2007, in the Northern District of California, Charkon CHANSAEM knowingly transported or shipped in interstate or foreign commerce by any means including by computer or mails, any visual depiction involving the use of a minor engaging in sexually explicit conduct, and such visual depiction is of such conduct, in violation of Title 18, U.S.C., Section 2252(a)(1). This affidavit is also made in support of a complaint against Charkon CHANSAEM, for knowingly and intentionally possessing one or more books, magazines, periodicals, films, video tapes, or other matter which contains one or more visual depictions that have been mailed, or have been shipped or transported in interstate or foreign commerce, or which were produced using materials which had been mailed or so shipped or transported, by any means including by computer, where the producing of such visual depictions involved the use of a minor engaging in sexually explicit conduct and such visual depictions are of such conduct, in violation of Title 18, U.S.C., Section 2252(a)(4)(B).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read "B. Kawabata", is written over a horizontal line.

Brian T. Kawabata, Senior Special Agent
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security

Sworn to before me, and subscribed in my presence,
this 23rd day of March, 2007.

A handwritten signature in black ink, appearing to read "Joseph Spero", is written over a horizontal line.

HON. JOSEPH SPERO
United States Magistrate Judge